



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

BLUE RIDGE REGIONAL OFFICE

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**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
WOLVERINE ADVANCED MATERIALS, LLC
FOR
WOLVERINE ADVANCED MATERIALS-MAIN PLANT
EPA ID No. VAD065408692,
WOLVERINE ADVANCED MATERIALS-CEDAR RUN PLANT
EPA ID No. VAR000001677**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and Wolverine Advanced Materials, LLC, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. “Facility”, “Facilities”, or “Site” means the Wolverine Advanced Materials, LLC, Facilities located at 201 Industrial Park Road, SE in Blacksburg, Virginia; 3175 State Street, Blacksburg, Virginia.
6. “Generator” means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
7. “Hazardous Waste” means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
8. “LQG” means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).
9. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
10. “Order” means this document, also known as a “Consent Order” or “Order by Consent.”
11. “BRRO” means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
12. “Regulations” or “VHWMR” means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
13. “Solid Waste” means any discarded material meeting the definition provided in 40 CFR § 261.2.
14. “Va. Code” means the Code of Virginia (1950), as amended.
15. “VAC” means the Virginia Administrative Code.
16. “Virginia Waste Management Act” means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

17. “Wolverine” means Wolverine Advanced Materials, LLC, a LLC authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Wolverine is a “person” within the meaning of Va. Code § 10.1-1400.

SECTION C: Findings of Fact and Conclusions of Law

1. Wolverine Advanced Materials, LLC, owns and operates the Facilities in Virginia. At the Facilities, gaskets and coatings are manufactured primarily for the automotive industry. Operations at the Facilities are subject to the Virginia Waste Management Act and the Regulations.
2. Wolverine Advanced Materials - Main Plant located at 201 Industrial Park Road was issued EPA ID #VAD065408692 as a Large Quantity Generator “LQG” for the management of hazardous waste generated at the Facility.
3. Wolverine Advanced Materials - Cedar Run Plant located at 3175 State Street was issued EPA ID #VAR000001677 as a LQG for the management of hazardous waste generated at the Facility.
4. At the Facilities, Wolverine generates solid waste which are also hazardous waste with waste codes (D001, D035, F003, F005, D002, D007, D010, U154, and D003). The Facilities are small quantity handlers of universal waste.
5. On April 10, 2019, Department staff inspected the Facilities for compliance with the requirements of the Virginia Waste Management Act and the Regulations. The inspections consisted of a tour of the manufacturing areas, processes, and the waste management areas of both Facilities. A follow-up site visit was conducted on April 17, 2019, during which records were reviewed and several areas of both Facilities were viewed.
6. At the Wolverine – Main Plant, DEQ staff made the following observations:
 - a. For Coating Lines 2 and 4, the Facility has designated three Hazardous Waste (HW) Accumulation Areas, each of which has three 55-gallon satellite accumulation area (SAA) containers located side by side. The containers are for the accumulation of HW liquids (Solvents & glue), HW solids (Solvent contaminated rags, filters, PPE, etc.), and HW sludge. Each SAA container is located near a coating booth or pump up station on the respective lines. None of the 55-gallon containers at the Coating Line 2 accumulation area were labeled as to their contents. One of the 55-gallon containers was observed to be mostly empty except for some absorbent pads and liquids residue. This latter container was identified by facility personnel as the “Solids” drum. The second container was observed to be full of liquid, which was later identified by facility personnel as HW back-flush. The third 55-gallon SAA container was ½ to ¾ full of HW “Sludge” and a ~ 3-gallon bucket on the floor at the same accumulation area was

identified as containing HW adhesive. The SAAs along Coating Line 4 were observed to be set up in the same manner, with three 55-gallon containers accumulating HW. More than 55-gallons of hazardous waste were being accumulated in the SAAs.

- b. In the SAAs, where over 55 gallons of hazardous waste was accumulating, the containers holding the excess hazardous waste had not been marked with the date on which accumulation began. There was no indication of how long the excess hazardous waste had been accumulating.
- c. At the drum staging area near the Mix Room, two 55-gallon containers were observed accumulating hazardous waste. These drums had been removed from a Satellite Accumulation Area (SAA) on the Coating Lines and temporarily placed at the staging area for processing by the Mix Room Operator prior to being moved to the Facility's Central Accumulation Area (CAA) outside of the plant building. The lid of one of the drums was not secured closed. No waste was being added or removed from the drum at the time. Three 55-gallon SAA containers along Coating Line 2 were not closed. One of the 55-gallon containers, which contained some absorbent pads and liquid residue, was missing a lid. Two other 55-gallon containers at Coating Line 2 SAAs had lids placed on the drums but the lids were not secured. No wastes were being transferred from or into any of these SAA containers at the time of the inspection. Additionally, four small buckets were observed in the same Coating Line 2 SAA area that appeared to be accumulating waste. One of the buckets was later identified by Facility personnel as containing HW adhesive. The bucket did not have a lid and was half full. At Coating Line 4, SAA 2, the 55-gallon container accumulating HW liquids was equipped with a funnel attached to the lid. The funnel lid was not latched closed. The small bung in the lid was open.
- d. The two 55-gallon containers accumulating HW, observed in the staging area near the Mix Room were not labeled with the words "Hazardous Waste." These containers were generated at the Coating Lines and taken to this staging area the morning of the inspection. Three 55-gallon containers and four buckets were observed accumulating waste at the Coating Line 2 SAA. One of the buckets was identified by Facility personnel as containing hazardous waste adhesive. The containers were not labeled with the words "Hazardous Waste".
- e. The Facility container management procedures state that, when containers are sent to the HW satellite accumulation areas from the Coating Lines, the containers will be labeled with HW stickers and hazards labels prior to being sent to the lines. However, several drums were observed that were not labeled with information on the hazards posed by their contents. One of the two SAA containers at the Mix Room staging area described above were not labeled with information indicating the hazards of their contents. At Coating Line 2, the small bucket containing waste adhesive, three 55-gallon containers at the Coating Line 4 SAA #1, and the three 55-gallon containers at Coating Line SAA

#2 were not labeled with any indication of the hazards associated with their contents.

- f. Three 55-gallon containers were observed on a wooden pallet in the Central Accumulation Area (CAA). The containers were labeled “Contaminated Rubber.” None of the containers were labeled with the words “Hazardous Waste.”
- g. During the review of the Facility’s waste management records, 21 manifests from 2017-2019 were observed for which there was no final signed manifest returned from the destination facility. Most of the shipment records included a certificate of disposal from the destination facility and the Facility representative was able to contact the TSDF to request copies of the signed manifests the day of the inspection. Copies of the missing manifests were received electronically the same day.
- h. The Facility did not contact destination facility and transporter to determine the status of the hazardous waste for the hazardous waste shipments which were accepted by the initial transporter over 35 days prior.
- i. No exception report was filed with the EPA Regional Administrator or DEQ for the hazardous waste shipments for which a final signed manifest from the destination facility was missing for over 45 days since the initial shipment.
- j. The Facility has a Spill Prevention, Control, and Countermeasures (SPCC) Plan and an Emergency Response Plan (RCRA Contingency Plan). At the time of the inspection, the Contingency Plan was last revised on August 2, 2018. The Facility’s contingency plan had not been distributed to local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).
- k. The Contingency Plan was amended in August 2018, a Quick Reference Guide was not developed and submitted to local emergency responders.
- l. Based on the information in the records provided by the facility, RCRA related training has not been provided on an annual basis to all of the employees identified as having hazardous waste management responsibilities in a manner that teaches them to perform their jobs in a way that ensures compliance with the VHWMR.
- m. Facility staff stated lamps are recycled through a company called “EZ on the Earth” and sent offsite via pre-paid mailers. At the time of the inspection, the maintenance area closet where spent fluorescent lamps are accumulated was viewed. There were various sized lamps in the closet, most in boxes, but no Universal Waste (UW)-lamps were accumulated. The Facility representative stated that the previous off-site shipment occurred approximately 6 weeks prior to the date of the inspection. No documentation of UW-lamp shipments was available at the time of the DEQ’s record review or provided following the inspection. The Facility has not demonstrated the length of time that UW-

lamps are accumulated.

7. At the Wolverine – Cedar Run Plant, DEQ staff made the following observations:

- a. All of the HW accumulation areas on Coating Lines 5 and 6, except for the Satellite Accumulation Area “B” on Coating Line 5, which had only one 55-gallon container for the accumulation of hazardous waste (HW), were observed to contain three 55-gallon satellite accumulation area (SAA) containers located side by side. The containers are for the accumulation of HW liquids (solvents & glue), HW solids (solvent contaminated rags, filters, PPE, etc.), and HW sludge. Each SAA container is located near a coating booth or pump up station on the respective lines. On April 17, 2019, DEQ observed that additional 55-gallon SAA containers had been added to the accumulation area “B” since the first day of the inspection on April 10, 2019. More than 55-gallons of hazardous waste were being accumulated in the SAAs.
- b. In the SAAs, where over 55 gallons of hazardous waste was accumulating, the containers holding the excess hazardous waste had not been marked with the date on which accumulation began.
- c. During the inspection DEQ observed that a number of hazardous waste SAA containers were not closed. On Line 5, in accumulation “A,” there were three 55-gallon SAA containers. The container used to accumulate HW liquid had a funnel attached to the lid. The funnel was not latched closed. The container used to accumulate HW solids was ½ full and had a lid placed on the drum. The lid was not fastened to the drum. The container used to accumulate HW sludge also had a lid on the opening of the drum. The lid was not secured to the container. At the Line 6 accumulation area near Coater #2, a 55-gallon container used to accumulate HW liquid had a funnel attached to the lid but the lid to the funnel was not latched closed. The other two 55-gallon containers used to accumulate HW solids and sludge were both closed. At the Line 6 HW accumulation near the pump up station, the 55-gallon SAA container used to accumulate HW liquids had a funnel attached to the lid. The funnel was not latched closed. Additionally, DEQ observed that the funnel lid had no inner seal to prevent the escape of volatiles when closed. In the same accumulation area, the SAA container used to accumulate HW sludge had a lid on the drum and ring, but there was no bolt in the ring and the lid was not secured on the drum. On April 17, 2019, following the DEQ records review, the SAA container for the aerosol can puncturing unit was inspected because it was missed on the initial tour of the Facility on April 10. The Facility representative stated that the container had not been changed in over a year and a half. While inspecting the container, the filter was discovered to be broken and had been reattached to the drum using tape at some point. This was not readily apparent until the container was moved and the filter unit fell off of the drum. The Facility representative red tagged the unit until another filter could be obtained and the Mix Room Operator placed a plug in the lid’s bung opening for the filter. Following this, the Facility representative placed the broken aerosol filter into the HW-solids SAA container at accumulation area “B.” At that time,

the lid for the SAA “solids” container was found to be open and not secured to the drum. A HW liquids SAA container had been added to the accumulation area which was not present on April 10. The container’s lid was equipped with a funnel which was not latched closed. The Mix Room Operator placed a ring on the “solids” drum and secured the lid closed during the inspection.

- d. The Facility’s Central Accumulation Area (CAA) is located out of doors on a concrete pad with a containment berm, under roof and surrounded with a chain-link fence. The gate to the CAA is kept locked. At the time of the inspection, there were twenty two 55-gallon containers of HW on wooden pallets in the CAA. Three of the containers were marked with a March 9, 2019 accumulation start date. Eighteen containers were dated April 9, 2019. One 55-gallon container was observed which was not labeled with an accumulation start date.
- e. During the review of the Facility’s waste management records, a number of manifests were observed for which there was no final signed manifest returned from the destination facility. There were seven missing manifests from 2017, nine missing manifests from 2018, and two missing manifests from 2019. Most of the shipment records included a certificate of disposal from the destination facility and the Facility representative was able to contact the TSDF to request copies of the signed manifests the day of the inspection. Copies of the missing manifests were received electronically the same day.
- f. The Facility did not contact destination facility and transporter to determine the status of the hazardous waste for the hazardous waste shipments which were accepted by the initial transporter over 35 days prior.
- g. No exception report was filed with the EPA Regional Administrator or DEQ for the hazardous waste shipments for which a final signed manifest from the destination facility was missing for over 45 days since the initial shipment.
- h. The Facility has a Spill Prevention, Control, and Countermeasures (SPCC) Plan and an Emergency Response Plan (RCRA Contingency Plan). At the time of the inspection, the Contingency Plan was last revised on August 2, 2018. The Facility’s contingency plan had not been distributed to local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).
- i. The Contingency Plan was amended in August 2018, a Quick Reference Guide was not developed and submitted to local emergency responders.
- j. Based on the information in the records provided by the facility, RCRA related training has not been provided on an annual basis to all of the employees identified as having hazardous waste management responsibilities in a manner that teaches them to perform

their jobs in a way that ensures compliance with the VHWMR.

- k. At the time of the inspection, the location in the maintenance area where spent fluorescent lamps are accumulated was viewed. One box containing UW-Lamps was observed to be open.
 - l. The box in which the UW lamps were stored was not dated with the date on which accumulation began. The Facility ships UW Lamps off for recycling using pre-paid mailers to a company named “EZ on the Earth.” At the time of the inspection, the Facility did not have documentation demonstrating the length of time the UW was accumulated on-site.
8. Pursuant to 40 CFR §262.15(a), as referenced in 9 VAC 20-60-262, a generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter or 1 kg (2.2 lbs.) of solid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption in this section are met.
 9. Pursuant to 40 CFR §262.15(a)(6), as referenced in 9 VAC 20-60-262, a generator who accumulates either acute hazardous waste listed in §261.31 or §261.33(e) of this chapter or non-acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must do the following:
 - (iii) During the three-consecutive-calendar-day period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
 10. Pursuant to 40 CFR §262.15(a)(4), as referenced in 9 VAC 20-60-262, a container holding hazardous waste must be closed at all times during accumulation, except:
 - (i) When adding, removing, or consolidating waste; or
 - (ii) When temporary venting of a container is necessary
 - (A) For the proper operation of equipment, or
 - (B) To prevent dangerous situations, such as build-up of extreme pressure.
 11. Pursuant to 40 CFR §262.15(a)(5), as referenced in 9 VAC 20-60-262, a generator must mark or label its container with the following:
 - (i) The words “Hazardous Waste”
 - (ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation

requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

12. Pursuant to 40 CFR §262.17(a), as referenced in 9 VAC 20-60-262, a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA, provided that a large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section. The following accumulation conditions also apply: (5) Labeling and marking of containers and tanks—(i) Containers. A large quantity generator must mark or label its containers with the following: (A) The words “Hazardous Waste.”
13. Pursuant to 40 CFR §262.40(a), as referenced in 9 VAC 20-60-262, a generator must keep a copy of each manifest signed in accordance with §262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
14. Pursuant to 40 CFR §262.42(a)(1), as referenced in 9 VAC 20-60-262, a generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31 or §261.33(e) in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
15. Pursuant to 40 CFR §262.42(a)(2), as referenced in 9 VAC 20-60-262, a generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31 or §261.33(e) in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.
16. Pursuant to 40 CFR §262.15(a)(8), as referenced in 9 VAC 20-262, all satellite accumulation areas operated by a large quantity generator must meet the Preparedness, Prevention and Emergency Procedures in subpart M of this part.
17. Pursuant to 40 CFR §262.262(a), as referenced in 9 VAC 20-60-262, the large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency

responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

18. Pursuant to 40 CFR §262.262(b) & (c), as referenced in 9 VAC 20-60-262, a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. Generators must update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.
19. Pursuant to 40 CFR §262.17(a)(7)(i)(A), as referenced in 9 VAC 20-60-262, facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.
20. Pursuant to 40 CFR §262.17(a)(7)(iii), as referenced in 9 VAC 20-60-262, facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.
21. Pursuant to 40 CFR §262.17(a)(7)(iv), as referenced in 9 VAC 20-60-262, the large quantity generator must maintain the following documents and records at the facility: (A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job... (B) A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position; (C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this section; (D) Records that document that the training or job experience, required under paragraphs (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.
22. Pursuant to 40 CFR §273.15(c), as referenced in 9 VAC 20-60-273, a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
23. Pursuant to 40 CFR §273.13(d), as referenced in 9 VAC 20-60-273, a small quantity handler

of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

24. On June 21, 2019, based on the inspection and follow-up information, the Department issued Notice of Violations No. NOV-19-06-BRRO-001 and NOV-19-06-BRRO-002 to Wolverine for the violations described in paragraphs C.6.(a) through C.6.(m) and C.7.(a) through C.7.(l), above.
23. The Departments record states a meeting occurred on August 8, 2019, between DEQ Enforcement Staff and Wolverine's representative. However, no written documentation has been identified by either DEQ or Wolverine to confirm the specifics of the meeting.
24. On November 12, 2021, DEQ enforcement staff contacted Wolverine in order to obtain information for a current point of contact. At that time, Wolverine's representative for the facilities was hired after the inspections, and was not present for the inspections or the subsequent meeting in August 2019. Wolverine requested a copy of the NOV to review since Wolverine had no record of previously receiving it. DEQ enforcement staff provided the NOV's and inspection documentation on that date.
25. On January 31, 2022, Wolverine responded in writing to the NOV's. The response included a summary of numerous corrective actions that had been taken by Wolverine in the time period between the initial inspection and the receipt of the NOV. Additional documentation was submitted to describe improvements made in the facility's waste management practices.
26. On March 25, 2022, Wolverine provided additional information related to Contingency Plan Coordination with Local emergency responders, personnel job descriptions and training records to address all observations from the 2019 inspection.
27. Based on the results of the April 10, 2019 inspection, and the follow-up site visit conducted on April 17, 2019, the Board concludes that Wolverine has violated 40 CFR §262.15(a), 40 CFR §262.15(a)(6), 40 CFR §262.15(a)(4), 40 CFR §262.15(a)(5), 40 CFR §262.17(a), 40 CFR §262.40(a), 40 CFR §262.42(a)(1), 40 CFR §262.42(a)(2), 40 CFR §262.15(a)(8), 40 CFR §262.262(a), 40 CFR §262.262(b) & (c), 40 CFR §262.17(a)(7)(i)(A), 40 CFR §262.17(a)(7)(iii), 40 CFR §262.17(a)(7)(iv), 40 CFR §273.15(c), 40 CFR §273.13(d), as described in paragraphs C.6.(a) through C.6.(m) and paragraphs C.7.(a) through C.7.(l) and paragraphs C.8 through C.23, above.
28. Wolverine has implemented corrective action and submitted documentation that verifies that

the violations described above have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it pursuant to Va. Code § 10.1-1455, the Board orders Wolverine, and Wolverine agrees to:

1. Pay a civil charge of \$29,850 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Wolverine shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Wolverine shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Wolverine for good cause shown by Wolverine, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. NOV-19-06-BRRO-001; NOV-19-06-BRRO-002, dated June 21, 2019. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Wolverine admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Wolverine consents to venue in the Circuit Court of the City of Richmond for any civil action

taken to enforce the terms of this Order.

5. Wolverine declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Wolverine to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Wolverine shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Wolverine shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Wolverine shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns,

jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Wolverine.
 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Wolverine has completed all of the requirements of the Order;
 - b. Wolverine petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Wolverine.
- Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Wolverine from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. Any plans, reports, schedules or specifications attached hereto or submitted by Wolverine and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
 13. The undersigned representative of Wolverine certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Wolverine to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Wolverine.
 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those

Wolverine Advanced Materials, LLC voluntarily agrees to the issuance of this Order.

Date: 05/10/2022 By: [Signature], EXEC. DIR OF US OPERATIONS

Wolverine Advanced Materials, LLC

Commonwealth of Virginia

City/County of Pulaski

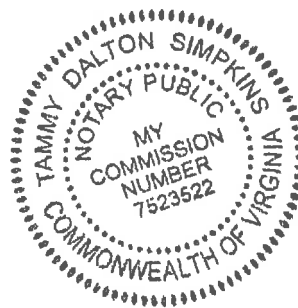
The foregoing document was signed and acknowledged before me this 10 day of
may, 2022, by Tammy D. Simpkins who is
HR Specialist of Wolverine Advanced Materials, LLC, on
behalf of the LLC.

Tammy D. Simpkins
Notary Public

7523522
Registration No.

My commission expires: 8/31/2024

Notary seal:



expressed in this Order.

15. By its signature below, Wolverine voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 7 day of July, 2022.



Robert J. Weld, Regional Director
Department of Environmental Quality

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